

OLYMPIC COAST NATIONAL MARINE SANCTUARY

Meeting Minutes

Sanctuary Advisory Council Meeting
July 16, 2008
Makah Tribe Marina Meeting Room
Neah Bay, Washington

Olympic Coast National Marine Sanctuary
NOAA, National Marine Sanctuary Program
115 E. Railroad Avenue, Suite 301
Port Angeles, WA 98362-2925
FAX # 360-457-8496

Reviewed by SAC Secretary

Reviewed by OCNMS Superintendent

Approved by SAC

Members Present

Roy Morris, Citizen-at-large
Steve Copps, NOAA Fisheries
Meri Parker, Chamber of Commerce
Brady Scott, Dept. of Natural Resources
Fan Tsao, Conservation
George Hart, U.S. Navy
Terrie Klinger, Research
Phil Johnson, Local Government
Gene Woodwick, Education alternate
Scott Pollock, U.S. Coast Guard
Steve Joner, Makah Tribe
Kevin Ryan, U.S. Fish and Wildlife
Service
Chip Boothe, Dept. of Ecology
Diane Butorac, Dept. of Ecology
alternate
Chad Bowchop, Makah Tribe alternate
Dahni Buesch, Quileute Tribe alternate
Joe Schumacher, Quinault Tribe
alternate

Staff

Carol Bernthal, Superintendent
George Galasso, Asst. Superintendent
Andy Palmer, Coordinator

Guests

Fred Felleman, Makah Tribe consultant
Jennifer Hagen, NW Indian Fish. Comm.
Ken Collins, unaffiliated
Alex Collins, unaffiliated
Amy Trainer, Makah Tribe

Welcome and Introduction

Micah McCarty gave the welcome to the advisory council. He noted that this was an important venue for the tribe and that he hoped that there would be a future opportunity for a formal setting for the advisory council and the Intergovernmental Policy Council (IPC) to meet together.

Terrie Klinger thanked Micah for his welcome. Members, alternates and guests introduced themselves. She requested that from now on the staff reports back on actions or tasks that are acted upon by the advisory council at the beginning at each meeting. The advisory council secretary shall keep a list of all tasks developed during the meeting. Terrie then explained that the next item on the agenda is a presentation by assistant superintendent George Galasso on the management plan review (MPR) process and the flow chart identifying the steps in the process. After that there will be an opportunity to ask questions about the process, but probably there won't be enough time to be able to respond fully to all the questions. Staff will respond to the questions in writing and send them out to all advisory council members.

MPR process and flowchart

George Galasso gave a brief overview of what a sanctuary management plan is. Management plans state goals and objectives for the sanctuary, they summarize sanctuary programs and regulations, they address existing and emerging issues, they establish priorities for the site, and they provide guidance for how the sanctuary conducts its day-to-day business. Congress passed legislation requiring a review of management plans every five years. Ours was developed in 1993 at the time of the designation and is out of date. It is very generic and lacks the specificity of the newer management plans and does not have action plans for each priority item. It also lacks performance measures that the new plans now have. Some new issues have emerged for sanctuary waters since the original plan including fiber optic cables, rocket test ranges, ocean energy, discovery of hypoxia events, impacts of global warming, habitat mapping, changes in fisheries management, new information from the two national ocean commissions, the formation of the Intergovernmental Policy Council, and an evolving relationship with the state of Washington in ocean management.

The flowchart is a compromise between laying out the key crucial steps in the process, but does not necessarily reflect every action in full detail. Some of the planning steps in the flowchart have already been completed including working with the state and the IPC on the development of the flowchart and the advisory council working group recommendations on scoping process, meeting sites, and documents to be available to the public prior to scoping. The scoping process will commence on September 29 with seven public scoping meetings, a sixty day public comment period. In January an advisory council workshop will identify the priority issues and make recommendations to the advisory council. These recommendations will then be reviewed by the IPC. The sanctuary will make the final decision on what priority issues become part of the management plan, based upon all the input. Through a process of internal staff

discussions and with the IPC, the sanctuary hopes to be able to issue an initial list of some of the issues that we feel are important for the next five years. However, this will be considered just a starting point and no final decisions will be made until after the conclusion of the public scoping process. Once a priority issue list is established, a number of working groups will be formed to develop action plans for those issues. These will be chaired by advisory council members. The action plans will be reviewed by the advisory council and the IPC and also undergo legal analysis before they are adopted. The document produced will be incorporated into a draft environmental impact statement (DEIS) or a draft environmental analysis (DEA) depending on the actions proposed in the draft management plan. Depending on the strategies that are proposed during the MPR process, a decision will be made as to whether there is a need for new regulations and/or changes to the sanctuary's terms of designation.

The sanctuary will interact with the Pacific Fisheries Management Council (PFMC) as the process moves forward. They will be notified of our intention to begin management plan review, brief PFMC at several points in the process including what the priority issues are, and ask them to make recommendations for people to participate on workgroups in areas that fall within their interest.

Key decisions points in the process include the preliminary list of priority issues, the final priority issues, whether there will be new regulations, will the terms of designation need to be changed, what type of NEPA document will be done, and the preferred action in the final EIS. The documents issued will include the condition report, a scoping summary document, a document summarizing the work of the advisory council, a priority issues work plan, a series of proposed action plans, and the final document.

MPR Roundtable discussion

(See the attachment for both the written questions submitted and the questions posed during the MPR roundtable discussion. The observations and suggestions following were in addition to the questions dealt with in the attachment).

Terrie Klinger noted that since time was short, sanctuary staff would not have time to respond to all of them at this meeting and that we would reserve time at future meetings to respond to them.

Roy Morris suggested that maybe some of the responses could be handled by e-mail to the council members as one way to work through these. He also commented that as the Citizen-at-large he also saw the need for transparency and wasn't confident that the public had been adequately prepared for the scoping process. He suggested that some public information sessions could be scheduled in advance of the scoping meetings. He is concerned that for some of the scoping meeting, few people may show up and they won't be well informed as to the process. He thought that the website could help with providing some of this information by having links between some of the issues and the scientific reports relating to these issues.

Chip Boothe supported the need for transparency and that during the scoping meetings there should be an explanation of how the condition report was developed and how some of the initial ideas on priority issues were developed. He also wanted to make

sure that during the action plan process, site specific performance measures will be developed that are aligned with the national performance standards.

Steve Copps said that he submitted seven written questions and would not go over them at this point. He would be glad to work with staff to think through all the written products that are due out and how they should go to the Pacific Fishery Management Council (PFMC) and which ones may trigger the need for consultation. Sometimes PFMC may need more than one meeting to consider a document and then formulate a response. On another point, he stated that transparency is a core value in these types of processes and he is a little concerned that the sanctuary has been moving ahead without good scientific advice on what the issues and problems are. He said that the Condition Report will be a useful document, but he hasn't seen a lot of transparency in its development so far and urged that if there was any way, either through workshops or other avenues, to surround it with more transparency, then that would be good. Also the function of the Condition Report isn't very clear – it's sometimes portrayed as a summary document, but it is the best articulation of the problems that the sanctuary has produced. It may be too late at this point to do some of the things that would enhance the credibility of the Condition Report, and he can accept the need to work within a difficult schedule.

Joe Schumacher asked about the locations for the scoping meetings and whether the IPC had input on these. Both Carol and George responded that the advisory council scoping working group did make recommendations and that they have approached individual members of the IPC to see if they were interested in holding a scoping meeting.

Scott Pollock recommended that somewhere during the process it would be a good idea to capture lessons learned, especially to capture some of the concerns that people have raised today.

Steve Joner will offer his comments through the IPC.

Phil Johnson also noted that as a county commissioner the issue of transparency is huge. Jefferson County just finished in critical areas ordinance process that entailed holding 33 public meetings.

Terrie Klinger said that she had a number of questions, mostly mechanistic about timing of when the AC would be doing things and where to find additional monetary resources for the MPR process.

Public Comment

Chad Bowechop talked about his new role as the manager of the Makah Office of Marine Affairs division. It will concentrate on marine transportation issues and oil spill issues. He enumerated a number of initiatives relating to these areas that the office has undertaken recently. He added that they will work through the IPC to ensure that the oil spill and the tribal treaty rights will be well represented in the MPR process.

Amy Trainer supported the comments of Steve Copps and Roy Morris about the need for public confidence and ownership in the scoping meetings and throughout the MPR process.

Fred Felleman spoke about newsletters from other sanctuaries from around the country that make it easy for citizens to keep up with what is going on and suggested that the OCNMS could do something similar. He noted that when the original scoping

process for the OCNS occurred that hundreds of people turned out for the meetings, second only to the numbers of people that turned out for the Monterey NMS.

Micah McCarty noted that there is significant baseline data that needs to be gathered, that there is little information available on some of the key resources. He would like to see a meeting with other tribal chairs, Steve Joner and the chair of the advisory council to see where the condition report needs to be fixed or amended.

Jennifer Hagen made a request that the questions that were being discussed today could be issued in a written form for the public to see.

Terrie Klinger noted in response that we will work with the oral statements that were recorded today to do our best to characterize the comments, but suggested that people still submit their questions in written form to ensure the most accuracy. As far as making these public, Terrie noted that this was really supposed to be a dialogue among the members of the advisory council and that is the primary audience. If there are appropriate ways to make them public and the staff resources to do so, that would be ok. Carol Bernthal stated that these would all be captured in the minutes and posted on the website when the minutes are approved, so the public would have a chance to see them. There was discussion about the minutes, the difficulty is distributing or making public sections of the minutes before they have been reviewed and approved by the advisory council, and the opportunities for correcting the minutes.

Ken Collins commented that the MPR flowchart would benefit from making the critical path easier to identify. He noted that the rate at which new issues arise outpace the MPR process and there needs to be an identification of how new issues are dealt with as they arise.

Future meetings/agenda items/tasks

Terrie Klinger asked for corrections to the minutes of the last meeting. Teresa suggested that under the NERDA section the “of” be deleted after “winds”. Brady Scott wanted to correct his statement about conservation lease and the Port Townsend eelgrass anchor protection area – this was not a conservation lease, but a regular lease. The minutes as amended were unanimously approved.

Future agenda items:

- Recommendations on Navy Keyport DEIS
- NOAA Fisheries speaker on entanglement
- Speaker on climate change and the oceans, maybe Ed Miles
- IPC presentation
- MPR – responses to the questions
- NOAA speaker on deep sea corals
- NOAA speaker on aquaculture
- Distribute the MPR flowchart PowerPoint
- List of scoping venues and dates

A discussion followed concerning the timing of the scoping process. Carol Bernthal explained that we are using the recommendations of the scoping working group with regard to venues and publications and other information that go along the (1:06:40)

Tasks

Distribute MPR process slides

Update at every meeting on where we are on the chart